

**NICHOLS FAMILY INVESTMENTS, LLC.,** )  
 )  
 **Plaintiff,** )  
 )  
 **Vs.** )  
 )  
 **KEVIN HACKENBERG, et al.,** )  
 )  
 **Defendants.** )

**THIS MATTER** is before the court on plaintiff's Motion for Leave to Commence Discovery. In such motion, plaintiff has shown both the consent of the other parties who have made an appearance and that good cause exists for providing such relief. Specifically, plaintiff has made a showing that substantial sums of money, representing funds that were allegedly taken by means of fraud and deceit herein, are likely being transferred and hidden by persons who have failed to make an appearance in this case. Finding that good cause has been shown for the relief sought under Rule 30(a)(2)(C), Federal Rules of Civil Procedure, and that plaintiff should now have at its disposal all tools of discovery, the relief sought will be granted.

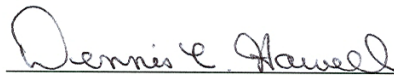
**IT IS, THEREFORE, ORDERED** that Nichols Family Investments, LLC's Motion for Leave to Commence Discovery (#29) is **ALLOWED**, and plaintiff is allowed to take the following discovery in advance of the time provided by Rule 26:

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allowed by the Federal Rules of Civil Procedure for the purpose of tracing funds, preserving assets, and preserving testimony; and

- (4) in the event plaintiff discovers the location of such assets, it may apply to the district court for expedited injunctive relief, either temporary or permanent, which may be necessary to secure such funds pending the outcome of this litigation.

Signed: February 6, 2006

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Dennis L. Howell  
United States Magistrate Judge

